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**STATE OF IOWA**

**Senate Journal**

**MONDAY, APRIL 9, 2012**

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# JOURNAL OF THE SENATE

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NINETY-SECOND CALENDAR DAY  
FIFTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 9, 2012

The Senate met in regular session at 1:12 p.m., President Kibbie presiding.

Prayer was offered by Alexandra Beem, who sang “Amazing Grace”. She was the guest of Senator Ward.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Katie Jaeschke.

The Journal of Thursday, April 5, 2012, was approved.

## HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 2399**, a bill for an act relating to scrap metal transactions, prohibiting certain sales, and providing penalties.

## SPECIAL GUESTS

President Kibbie introduced to the Senate chamber the Honorable Staci Appel, former member of the Senate from Warren County, Ackworth, Iowa; the Honorable Rich Olive, former member of the Senate from Story County, Story City, Iowa; and the Honorable William Heckroth, former member of the Senate from Bremer County, Waverly, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:22 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:47 p.m., President Kibbie presiding.

UNFINISHED BUSINESS  
(Deferred April 4, 2012)

**House File 2337**

The Senate resumed consideration of **House File 2337**, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions, and amendment S-5167, deferred April 4, 2012.

Senator Dotzler moved the adoption of amendment S-5167.

Amendment S-5167 was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2337), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson

Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

**UNFINISHED BUSINESS**  
(Deferred April 4, 2012)

**Senate File 2284**

The Senate resumed consideration of **Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, deferred April 4, 2012.

Senator Boettger offered amendment **S-5186**, filed by her from the floor to page 31 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment **S-5186** be adopted?" (S.F. 2284), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Nays, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment **S-5186** lost.

Senator Boettger asked and received unanimous consent that action on **Senate File 2284** be **deferred**.

#### HOUSE AMENDMENT CONSIDERED

#### Senate File 2112

Ernst called up for consideration **Senate File 2112**, a bill for an act allowing a veteran to request that the veteran's driver's license or nonoperator's identification card be marked with the word "VETERAN" to indicate veteran status, amended by the House in House amendment S-5171, filed April 4, 2012.

Ernst moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Ernst moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2112), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Quirnbach
Bacon	Dearden	Hogg	Ragan
Bartz	Dix	Horn	Rielly
Beall	Dotzler	Houser	Schoenjahn
Behn	Dvorsky	Jochum	Seng
Bertrand	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun

Nays, 2:

Hancock	Sodders
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Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2112** and **House File 2337** be **immediately messaged** to the House.

## HOUSE AMENDMENT CONSIDERED

**Senate File 451**

Senator Hogg called up for consideration **Senate File 451**, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention, amended by the House in House amendment S-5170, filed April 4, 2012.

Senator McKinley asked and received unanimous consent that action on amendment S-5170 and **Senate File 451** be **deferred**.

The Senate stood at ease at 3:31 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:40 p.m., President Kibbie presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Behn.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 2333**.

**Senate File 2333**

On motion of Senator Quirnbach, **Senate File 2333**, a bill for an act providing a sales tax exemption for the sale of tangible personal property or services to substance abuse treatment or prevention programs that receive block grant funding from the Iowa department of public health, was taken up for consideration.

Senator Quirnbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2333), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	Sodders
Bertrand	Feenstra	Kettering	Sorenson
Black	Fraise	Kibbie	Ward
Boettger	Greiner	Mathis	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2333** be **immediately messaged** to the House.

#### BUSINESS PENDING

#### **Senate File 2284**

The Senate resumed consideration of **Senate File 2284**, a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools, previously deferred.

Senator Boettger offered amendment S-5190, filed by her from the floor to page 31 of the bill, and moved its adoption.

Senator Quirnbach raised the point of order that amendment S-5190 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5190 out of order.

Senator Quirnbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2284), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2284** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:07 p.m. until 9:00 a.m., Tuesday, April 10, 2012.

## APPENDIX

### COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### OFFICE OF THE CITIZENS' AIDE/OMBUDSMAN

2011 Annual Report, pursuant to Iowa Code section 2C.18. Report received on April 2, 2012.

#### DEPARTMENT OF NATURAL RESOURCES

2011 Annual Report of the State Geologist, pursuant to Iowa Code section 456.7. Report received on April 2, 2012.

#### DEPARTMENT OF PUBLIC HEALTH

Report of the Office of Problem Gambling Treatment and Prevention. Report received on April 3, 2012.

#### DEPARTMENT OF REVENUE

2011 Retailers Motor Fuel Gallons Annual Report, pursuant to Iowa Code section 452A.33. Report received on April 3, 2012.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Marvel DeJong, Grinnell—For celebrating her 100<sup>th</sup> birthday. Senator Kapucian (4/9/12).

Leona Funk, Mason City—For celebrating her 90<sup>th</sup> birthday. Senator Ragan (4/9/12).

Leta Wall, Cedar Rapids—For celebrating her 90<sup>th</sup> birthday. Senators Horn, Hogg, and Mathis (4/9/12).

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** Wednesday, April 4, 2012, 3:00 p.m.

**Members Present:** Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirnbach, Smith, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed SFs 2223 and 2272 as amended. Approved SSB 3185 as amended.

**Recessed:** 3:05 p.m.

**Reconvened:** 3:30 p.m.

**Adjourned:** 4:00 p.m.

## INTRODUCTION OF BILLS

**Senate File 2334**, by committee on Appropriations, a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

**Senate File 2335**, by committee on Appropriations, a bill for an act concerning public safety, by establishing a public safety training and equipment trust fund, establishing a public safety training and facilities task force, and making appropriations.

Read first time under Rule 28 and **placed on Appropriations calendar**.

## STUDY BILLS RECEIVED

### **SSB 3200**      **Appropriations**

Relating to state financial matters, including limitations on appropriations and properly related matters.

### **SSB 3201**      **Appropriations**

Relating to appropriations for health and human services and including other related provisions and appropriations, making

penalties applicable, and including effective, retroactive, and applicability date provisions.

## SUBCOMMITTEE ASSIGNMENTS

### SSB 3200

APPROPRIATIONS: Dvorsky, Chair; Dix

### SSB 3201

APPROPRIATIONS: Dvorsky, Chair; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Kettering, McCoy, Ragan, Schoenjahn, Seymour

## FINAL COMMITTEE REPORTS OF BILL ACTION

### APPROPRIATIONS

**Bill Title:** \*SENATE FILE 2334 (formerly SF 2138), a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 20: Dvorsky, McCoy, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 1: Houser.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2334, and they were attached to the committee report.

### ALSO:

**Bill Title:** \*SENATE FILE 2335 (SSB 3197), a bill for an act concerning public safety, by establishing a public safety training and equipment trust fund, establishing a public safety training and facilities task force, and making appropriations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Dix, Bartz, Boettger, Johnson, Kapucian, Kettering, and Seymour. Absent, 1: Houser.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2335, and they were attached to the committee report.

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 9<sup>th</sup> day of April, 2012.

Senate Files 413, 2097, 2126, 2164, 2208, 2245, 2267, 2289, and 2312.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 5, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

**Senate File 2038** – Relating to the duties and requirements of the department of veterans affairs and the commission of veterans affairs.

**Senate File 2137** – Relating to certain property taxes for joint county-city buildings and including applicability provisions.

**Senate File 2165** – Relating to the documentation required to prepare a notice of alleged paternity and support debt in administrative paternity proceedings.

**Senate File 2220** – Relating to the licensing of schools of cosmetology arts and sciences and barber schools.

**Senate File 2231** – Relating to the practices and procedures of the state public defender.

## AMENDMENTS FILED

S-5184	S.F.	2326	Robert M. Hogg
S-5185	S.F.	2332	Eugene S. Fraise
S-5186	S.F.	2284	Nancy J. Boettger
S-5187	S.F.	2326	Merlin Bartz
S-5188	S.F.	2326	Merlin Bartz
S-5189	S.F.	2326	Merlin Bartz
S-5190	S.F.	2284	Nancy J. Boettger